IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.31092-M of 2007
Date of Decision:- 17.11.2007

Anshul Singh & others ....Petitioner(s)

through
Mr.Manoj Kumar, Advocate

vs.

State of Haryana & others ....Respondent(s)

through
Mr.Pawan Singh, AAG, Haryana.
Mr.Sandeep Bhardwaj, Advocate
for the complainant.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J. (ORAL)

The prayer in this petition under Section 482 Cr.P.C. is for quashing of F.I.R.No.364 dated 9.8.2005, under Sections 406/498-A/354 IPC, registered at Police Station Sector 5, Panchkula and all the subsequent proceedings arising therefrom.

It is stated that petitioner No.1-Anshul Singh son of Lt.Col.Surjit Singh and respondent No.4-Sukhdeep Kaur daughter of late Shri Satnam Singh have not been able to pull on together after their marriage on 8.5.2005 due to temperamental differences. They are living separately since 14.6.2005. It is further stated that now with the intervention of the respectables, the parties have resolved their unfortunate matrimonial dispute vide compromise deed dated 12.4.2007 (Annexure P-2). In terms of the said compromise, they have decided to part ways and

obtain a decree of divorce by mutual consent for which a joint petition under Section 13-B of the Hindu Marriage Act, has already been filed, which is pending. Respondent No.4 has been paid full and final amount towards permanent alimony and/or any other claims. Respondent No.4 has separately deposed on oath and in her deposition she has supported the prayer made in this petition.

In view of the aforementioned stand taken by the parties and having regard to the principles laid down by the Apex Court in the case of **B.S.Joshi and others vs. State of Haryana and another,** 2003 (2) RCR (Crl.) 888 and a five Judges Bench of this Court in the case of **Kulwinder Singh and others vs. State of Punjab and another,** 2007 (3) Law Herald (P&H), 2225, this petition is allowed and the F.I.R.No.364 dated 9.8.2005, under Sections 406/498-A/354 IPC, registered at Police Station Sector 5, Panchkula and all the subsequent proceedings arising therefrom are hereby quashed.

November 17, 2007 **(SURYA KANT)**
poonam **JUDGE**

Crl.Misc.No.31092 -M of 2007

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Statement of Ms.Sukhdeep Kaur daughter of Late Shri Satnam Singh, resident of House No.1248, Sector 21, Panchkula. (On S.A.)

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I was married to petitioner No.1 on 8.5.2005. However, no child was born out of the wedlock. Due to our temperamental differences, I and my husband started living separately. Thereafter, I got registered F.I.R.No.364 dated 9.8.2005 against my husband and his other family members under Sections 406, 498A, 354 IPC at Police Station Sector 5, Panchkula. With the intervention of the respectables, now we have resolved our matrimonial dispute vide compromise deed dated 12.4.2007 (Annexure P-2). In terms of the said compromise, we have decided to part ways and obtain a decree of divorce by mutual consent for which petition has already been filed and which is pending. I have received a sum of Rs.5 lacs which includes Rs. 2 lacs paid today by way of demand draft No.350822 dated 15.11.2007 as full and final payment. I have no objection if the FIR and the proceedings arising therefrom are quashed by this Court.

R.O.& A.C. **(SURYA KANT)**
November 17, 2007 **JUDGE**